REMARKS

In the Office Action[1], the Examiner required Applicants to provide publication

dates for two references cited in an Information Disclosure Statement ("IDS") filed

November 21, 2003; rejected claims 1-22 under 35 U.S.C. § 101 as directed to non-

statutory subject matter; provisionally rejected claims 1-22 on the ground of

nonstatutory double patenting over claims 1-20 of copending Application

No. 10/717,561, claims 1-18 of copending Application No. 11/086,229, and claims 1 and

16-20 of copending Application No. 10/900,388; and rejected claims 1-22 under 35

U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,953,724 to Lowry et al.

("*Lowry*").

In the present Amendment, Applicants amend claims 1, 3-5, 7, 14, 21, and 22.

Support for the claim amendments can be found in Applicants' specification at, for

example, page 23, lines 4-19, and page 24, line 23 to page 25, line 9. In light of the

following remarks, Applicants respectfully request the Examiner's timely reconsideration

and allowance of currently pending claims 1-22.

A. The Reference Dates Required in the Office Action

Regarding the IDS filed November 21, 2003, the Examiner indicates that the

references http://www.e-ingbiz.com/CATALOG2/servlet/CatalogSearch?Lang=ja

---

[1] The Office Action contains statements reflecting characterizations of the related art
and the claims. Regardless of whether any such statement is identified herein,
Applicants decline to automatically subscribe to any statement or characterization in the
Office Action.

("*e-ingbiz*") and http://www.portalcorp.net ("*portalcorp*") submitted with the IDS were "not

considered because there is no publication date provided both in IDS as well as

specification page 4-5, applicant is required to provide publication date in response to

this office action" (Office Action at p. 2). In lieu of providing publication dates for

e-ingbiz and *portalcorp*, Applicants submit herewith an IDS citing two documents that

are related to the *e-ingbiz* and *portalcorp* websites. Accordingly, Applicants respectfully

request that the Examiner consider the documents cited in the accompanying IDS.

B. The Rejection of Claims 1-22 under 35 U.S.C. § 101

The Examiner alleges claim 1 "is directed to [an] 'abstract idea' and non-

functional descriptive material" (Office Action at p. 4). The Examiner continues,

"although apparatus for displaying ... tied to a hardware, or a machine to be a physical

object, all elements would have been reasonably interpreted in light of the disclosure by

one of the ordinary skill as software alone, therefore, claim 1 is [] non-statutory subject

matter" (Office Action at p. 5).

The Examiner's allegation is incorrect. Pages 11-12 of Applicants' specification

state, "[b]y using a general purpose computer having basic hardware such as a CPU 5,

a memory 6, a secondary storage 7 and a display 8, the hierarchical structure display

apparatus of the present invention can be realized as an application program 10 which

operates on the general purpose computer ... The application program 10 of the

hierarchical structure display apparatus is loaded onto the operating system and

composes a graphical user interface (GUI) cooperating with the display 8, a mouse, and

a keyboard." Applicants submit that the claimed memory and display cannot reasonably be read to be "software alone," as alleged by the Examiner.

The Examiner further alleges, "the claims do not specify that the result ... neither defined parent-child relation nor relationship between child class and the class in a data structure but merely displaying outputted to a user or otherwise used in the real world ... Thus the claimed result is not tangible" (Office Action at p. 6). However, amended claim 1 further recites an "operation unit configured to select the first area or the second area on said display; wherein, when said operation unit selects the second area, said display outputs a list of properties of the child class, the list including the property of the one class" (emphasis added). Thus, a user, for example, can have a list of the properties of the child class displayed, including properties inherited from a parent class. Displaying a list of properties of a child class, including properties inherited from a parent class, is a tangible result, and thus claim 1 recites statutory subject matter.

The Examiner rejected claims 2-20 due to their dependence from claim 1 (Office Action at p. 7). As explained, claim 1 recites statutory subject matter, and thus claims 2-20 recite statutory subject matter at least due to their dependence from claim 1.

The Examiner did not provide a basis for the rejection of claim 21. However, to the extent that the reasoning presented above regarding claim 1 is applicable to claim 21, Applicants note that claim recites subject matter that produces a similar result to that discussed above regarding claim 1.

-11-

Regarding claim 22, the Examiner states, "computer readable code or

instructions as claimed in claim 22 'does not fall' within one of the four statutory classes

of 35 U.S.C. § 101 ... and thus ineligible for patent protection" (Office Action at p. 7).

The Examiner suggested Applicants add the phrase "instructions for" to the claim in

order to obviate the rejection. Applicants have amended claim 22 to provide further

clarity. Claim 22 recites statutory subject matter.

For at least the above reasons, claims 1-22 recite statutory subject matter.

Accordingly, the Examiner should withdraw the rejection of the claims under 35 U.S.C. §

101.

C. The Rejection of Claims 1-22 for Nonstatutory Obviousness-Type Double Patenting

Applicants disagree with the obviousness-type double patenting rejection of

claims 1-22. However, in an effort to advance prosecution, Applicants have filed a

Terminal Disclaimer concurrently with this paper, thereby obviating the outstanding

rejection. Accordingly, the obviousness-type double patenting rejection is moot in view

of the attached Terminal Disclaimer.

Further, Applicants note that filing of the Terminal Disclaimer in no way manifests

an admission by Applicants as to the propriety of the double patenting rejections. See

M.P.E.P. § 804.02 citing Quad Environmental Technologies Corp. v. Union Sanitary

District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicants reserve the right

to traverse the double patent rejections at a later date. Therefore, Applicants

respectfully request the withdrawal of the double-patenting rejection.

D.   The Rejection of Claims 1-22 under 35 U.S.C. § 102(b)

Applicants respectfully traverses the rejection of claims 1-22 as allegedly being anticipated by *Lowry*. *Lowry* fails to disclose each and every element of any of claims 1-22, as required to sustain a rejection under 35 U.S.C. § 102(b). *Lowry*, for example, fails to teach the claimed "plurality of classes each having a property, the property of one class in the plurality of classes being inherited to a child class belonging to the one class," (emphasis added) as recited in independent claim 1, for example.

Lowry discloses, "a global database library data structure for use in providing a dynamic and hierarchical representation of information" (*Lowry, col.* 1, lines 7-10). The data structure includes "[n]odes 52 that are at different hierarchical levels 54 and are linked by branches 56 [and] are sometimes referred to as having parent/child relationships" (*Lowry, col.* 4, lines 61-63). However, *Lowry* is silent as to any inheritance relationship between the nodes. *Lowry*, therefore, fails to teach or suggest the claimed "plurality of classes each having a property, the property of one class in the plurality of classes being inherited to a child class belonging to the one class," (emphasis added) as recited in amended claim 1.

Claim 1 further recites, "said display outputs a list of properties of the child class, the list including the property of the one class." *Lowry* discloses "rendering [a] chart ... [using] chart definition information ... node definition records are read during tabulation of the chart definition information ... For a current or given node (e.g., node 52_{12}), a parent node is that node (e.g., node 52_9) which is at a hierarchically higher level and to

-13-

which the current node is connected or belongs" (*Lowry*, col. 15 lines 10-48). However, *Lowry* is silent as to displaying a list of properties for a "child class" that includes a property of "one class." *Lowry* thus fails to teach or suggest Applicants' claimed "said display outputs a list of properties of the child class, the list including the property of the one class," as required by independent claim 1.

For at least the above reasons, *Lowry* thus does not disclose each and every element of claim 1 and cannot anticipate the claim. Claim 1 is therefore allowable. Although of different scope, amended independent claims 21 and 22 recite elements similar to those of claim 1. Claims 21 and 22, therefore, are also allowable at least for reasons discussed above in regard to claim 1. Claims 2-20 depend from claim 1 and are also not anticipated by *Lowry* at least due to their dependence from claim 1. Accordingly, Applicants request that the rejection of claims 1-22 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.
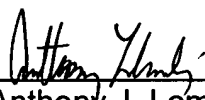
Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 18, 2006   By:_____

Anthony J. Lombardi
Reg. No. 53,232